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IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIZABETH A. HOLMES and RAMESH
“SUNNY” BALWANI,

Defendants.

Case No. CR-18-00258 EJD

**SECOND DECLARATION OF JEFFREY
B. COOPERSMITH IN SUPPORT OF
MOTION FOR CEASE AND DESIST
ORDER**

Hon. Edward J. Davila

I, Jeffrey B. Coopersmith, declare as follows:

1. I am an attorney licensed to practice in the State of California and before this Court. I am a partner with the firm of Davis Wright Tremaine LLP, counsel for Defendant Ramesh Balwani in the above-captioned matter.

2. Based on our review of documents produced to date, it appears that new investments in Theranos stopped no later than April 2015.

3. The documents show that Theranos's labs were shut down by no later than October 5, 2016. Attached as **Exhibit A** is a true and correct copy of a letter from Brad Arington (former Chief Regulatory Counsel for Theranos) to the Arizona Department of Health Services dated October 24, 2016, confirming that Theranos's Arizona lab "accepted the last patient samples on October 5, 2016 and ceased all testing of samples after the last shift of that same day." Attached as **Exhibit B** is a true and correct copy of a letter from Kingshuk Das (former Lab Director of Theranos's Newark lab) to the California Department of Public Health dated October 24, 2016, confirming the "closure of the [Newark] lab as of October 5, 2016."

4. Mr. Balwani left Theranos effective May 20, 2016, took his remaining paid leave off, and did not return to Theranos when it was exhausted. Mr. Balwani's resignation was effective July 7, 2017.

5. Between October 2016 to September 2017, I was engaged in email exchanges with Theranos's former counsel from Wilmer Hale that were protected by the "common interest" privilege.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of October in Seattle, Washington.

s/ Jeffrey B. Coopersmith
Jeffrey B. Coopersmith